

## REMARKS

Claims 2-9, 12-23 and 36-41 are pending in the application. In the Office Action dated February 26, 2003, the Examiner rejected claims 2-3, 5-15, 18-21, 23, 36-39, and 41 under 35 U.S.C. § 102(b) as being anticipated by Voris (U.S. Patent No. 4,357,011). The Examiner further rejected claims 4, 16-17, 22 and 40 under 35 U.S.C. § 103(a) as being unpatentable over Voris (U.S. Patent No. 4,357,011). Applicant respectfully requests reconsideration of the application in view of the foregoing amendments and the following remarks.

In brief, Applicant's invention is directed to novel pad assemblies for exercise machines. In one embodiment, a pad assembly for an exercise machine in accordance with the present invention includes a compressible layer and *an elongated plate member of approximately uniform thickness* attached thereto. The compressible layer has a first surface adapted to engage a portion of a user's body and a second surface opposite from the first surface. Similarly the elongated plate member includes front and back surfaces, the front surface being engaged with the second surface of the compressible layer. The plate member is shaped to provide an approximately uniform-thickness portion of the compressible layer when a compression force is applied to the first surface during an exercise.

The pending claims have been rejected over U.S. Patent No. 4,357,011 issued to Voris. As best shown in Figures 3 and 6, Voris teaches a pad assembly including a central block 52 having a curved face. Compressible layers 64 are attached to the curved face.

Applicant respectfully requests reconsideration and withdrawal of the pending rejections based on Voris. Voris does not disclose, teach, or fairly suggest a pad assembly that includes *an elongated plate member of approximately uniform thickness*. As previously noted, the central block 52 is a large, block-like structure that is not of uniform thickness, and there is no teaching or suggestion in Voris of the desirability of using an elongated plate member of approximately uniform thickness. Therefore, Voris does not anticipate, or render obvious, the novel pad assemblies taught by Applicant.



25315  
PATENT TRADEMARK OFFICE

The pad assemblies taught by Applicant provide significant advantages over the prior art structures taught by Voris. For example, the elongated plate member of approximately uniform thickness requires considerably less material to construct than the central block 52 of Voris. This aspect may provide cost savings in fabrication of the pad assembly, as well as cost savings in shipping due to the substantially reduced weight of the inventive pad assemblies. Furthermore, the pad assemblies taught by Applicant may require considerably less manufacturing effort than the central block structure taught by Voris, which may require relatively expensive casting or machining processes to construct. The elongated plate members taught by Applicant may be more easily fabricated by relatively less expensive bending processes. Another advantage is that the elongated plate members of the pad assemblies taught by Applicant require less space, which may be an important consideration in the design and packaging of a compact exercise machine, which may be equipped with multiple stations and may be designed to operate within the relatively smaller confines of a home or office. The central block taught by Voris, is relatively large and bulky, and does not operate efficiently within smaller operational spaces in comparison with the elongated plate members taught by Applicant.

Claims 6, 2-5, and 7-9

Turning now to the specific language of the claims, claim 6 recites a pad assembly for an exercise machine, comprising a compressible layer having a first surface adapted to engage a portion of a user's body and a second surface opposite from the first surface; and *an elongated plate member of approximately uniform thickness* having front and back surfaces, the front surface being engaged with the second surface of the compressible layer, and wherein the front surface of the elongated plate member is shaped to provide an approximately uniform-thickness portion of the compressible layer when a compression force is applied to the first surface during an exercise. (emphasis added).



25315  
PATENT TRADEMARK OFFICE

As set forth above, Voris does not disclose, teach, or fairly suggest a pad assembly that includes *an elongated plate member of approximately uniform thickness* as recited in claim 6. Therefore, claim 6 is not anticipated by Voris and should be allowable.

Claims 2-5 and 7-9 depend from claim 6 and are patentable for the same reasons as claim 6 and also due to additional limitations contained in those claims. For example, claim 2 recites the pad assembly of claim 6 wherein the elongated plate member comprises a contoured support attached to the second surface. Claim 4 recites the pad assembly of claim 6 wherein the front surface comprises a contoured portion having a radius of curvature within the range from approximately 1.5 inches to approximately 7.0 inches. And claim 8 recites the pad assembly of claim 6 wherein the front surface of the elongated plate member is shaped to provide an approximately uniform-pressure portion when a compression force is applied to the first surface during an exercise. These additional limitations are also not taught or fairly suggested by Voris.

### Claims 12-18

Similarly, claim 12 recites a pad assembly for an exercise machine, comprising *a backing plate of approximately uniform thickness having front and back surfaces and being elongated in a first direction along a first axis, the backing plate being contoured such that the first axis forms a curve*; and a compressible member having a first surface adapted to engage a portion of a



25315  
PATENT TRADEMARK OFFICE

VECT-1-1003RFOA.dot

user's body and a second surface opposite from the first surface, the second surface being coupled to the front surface of the backing plate such that a compression force applied to the first surface provides an approximately uniform-thickness portion of the compressible member between the first surface and the backing plate.

As set forth above, Voris does not disclose, teach, or fairly suggest a pad assembly that includes *a backing plate of approximately uniform thickness having front and back surfaces and being elongated in a first direction along a first axis, the backing plate being contoured such that the first axis forms a curve* as recited in claim 12. Therefore, claim 12 is patentable over Voris.

Claims 13-18 depend from claim 12 and are patentable for the same reasons as claim 12 and also due to additional limitations contained in those claims. For example, claim 13 recites the pad assembly of claim 12 wherein the second surface of the compressible member comprises a depressed portion adapted to fittingly engage at least a portion of the backing plate. Claim 16 recites the pad assembly of claim 12 wherein the backing plate comprises a contoured portion having a radius of curvature within the range from approximately 1.5 inches to approximately 7.0 inches. These additional limitations are also not taught or suggested by Voris.

#### Claims 19-

Claim 19 recites a pad assembly for an exercise machine, comprising a layer of compressible padding having a first surface adapted to engage a portion of a user's body and a second surface opposite from the first surface; and *a backing structure attached to the layer of compressible padding and having an approximately uniform-thickness*, the backing structure including a backing surface proximate the second surface and being shaped to provide an approximately uniform-thickness portion of the layer of compressible padding when a compression force is applied to the first surface. (emphasis added)

Again, for the reasons set forth above, Voris does not disclose, teach, or fairly suggest a pad assembly that includes *a backing structure attached to the layer of compressible padding*



25315

PATENT TRADEMARK OFFICE

*and having an approximately uniform-thickness* as recited in claim 19. Therefore, claim 19 is patentable over Voris.

Claims 20-23 depend from claim 19 and are patentable for the same reasons as claim 19 and also due to additional limitations contained in those claims. For example, claim 20 recites the pad assembly of claim 19 wherein the backing structure is contoured such that the compression force is approximately uniformly distributed over the first surface. Claim 23 recites the pad assembly of claim 19 wherein the backing structure comprises a channel attached to the backing structure opposite from the layer of compressible padding and adapted to attach to a support portion of an exercise machine. These additional limitations are also not taught or fairly suggested by Voris.

#### Claims 36-41

Claim 36 recites a method of exercising, comprising providing a compressible layer having a first surface, and *a backing structure having an approximately uniform thickness and including a non-planar backing surface* engaged against the compressible layer opposite the first surface; and pressing a portion of a user's body against the first surface to compress the compressible layer between the portion of the user's body and the non-planar backing surface and to form an approximately uniform-thickness portion of the compressible layer therebetween. (emphasis added).

As noted above, Voris does not disclose, teach, or fairly suggest method of exercising that includes providing *a backing structure having an approximately uniform thickness and including a non-planar backing surface* as recited in claim 36. Therefore, claim 36 is patentable over Voris.

Claims 37-41 depend from claim 36 and are patentable for the same reasons as claim 36 and also due to additional limitations contained in those claims. For example, claim 38 recites the method of claim 36 wherein pressing a portion of a user's body against the first surface to compress the compressible layer comprises pressing a portion of a user's body against the first



25315  
PATENT TRADEMARK OFFICE

surface to form an approximately uniform-pressure distribution on the portion of the user's body. These additional limitations are also not taught or fairly suggested by Voris.



25315  
PATENT TRADEMARK OFFICE

- 12 -

VECT-I-1003RFOA.dot

BLACK LOWE & GRAHAM PLLC

  
816 Second Avenue  
Seattle, Washington 98104  
206.381.3300 • F: 206.381.3301

## CONCLUSION

For the foregoing reasons, Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 2-9, 12-23, and 36-41 based on Voris, and the allowance of all pending claims. If there are any matters that may be handled by telephone, the Examiner is kindly invited to telephone the undersigned attorney at the number shown below.

Respectfully submitted,

BLACK LOWE & GRAHAM<sup>PLLC</sup>



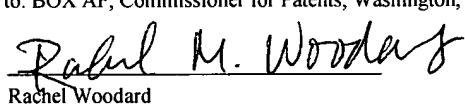
Dale C. Barr  
Registration No. 40,498  
Direct Dial: 206.957.2463

Enclosure: Postcard  
Check for Fees  
Petition for Extension of Time (3 Month)  
Request for Continued Examination

### MAIL CERTIFICATE

I hereby certify that this communication is being deposited with the United States Postal Service via first class mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: BOX AF, Commissioner for Patents, Washington, D.C. 20231.

8/29/03  
Date of Deposit

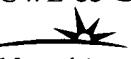
  
Rachel Woodard

25315  
PATENT TRADEMARK OFFICE

- 13 -

VECT-I-1003RFOA.dot

BLACK LOWE & GRAHAM<sup>PLLC</sup>

  
816 Second Avenue  
Seattle, Washington 98104  
206.381.3300 • F: 206.381.3301